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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------------|------------------|
| 10/750,286 | 12/31/2003 | Robert A. Juran | APPL 2 00002 | 9175 |
| 27885 | 7590 | 12/13/2005 | | |
| FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114 | | | EXAMINER WATKINS III, WILLIAM P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1772 | |
| DATE MAILED: 12/13/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,286

Applicant(s)

JURAN ET AL.

Examiner

William P. Watkins III

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 31-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant's election without traverse of the first species in the reply filed on 30 September 2005 is acknowledged.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20, 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector (U.S. 4,720,409) in view of Spector (U.S. 824,707) further in view of Kassab (U.S. 6,258,200 B1).

Spector '409 teaches an appliqué with a transparent back layer (13) with adhesive (14) and release liner (15) and a design (16) printed on the back of a transparent front layer that also contains a fragrance that is released from the front layer. The appliqué can be used on an automobile window (col. 4, lines 55-60). Spector '707 teaches a similar structure except

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that fragrance is in a layer behind a porous layer so that the release can be controlled (col. 4, lines 10-20). Kassab teaches the use of a static cling film adhered to an appliqué for use on a windshield with printing such as parking information (abstract, Figure 6). The instant invention claims a static cling film adhered to a fragrance laminate with a fragrance layer behind a metering layer and a design such as parking information printed on the fragrance layer. It would have been obvious to one of ordinary skill in the art to have adhered a cling film on the back of the Spector '409 laminate in order to have ease of attachment and removal to a windshield because of the teachings of Kassab. It further would have been obvious to one of ordinary skill in the art to replace the single fragrance layer of Spector '409 with a fragrance layer inside of and behind a metering layer in order to better control release of the fragrance because of the teachings of Spector '707. Use of any known absorbent layer to hold the fragrance would have been obvious to one of ordinary skill in the art.

4. Applicant's arguments filed 30 September 2005 have been fully considered but they are not persuasive.

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Applicant argues that Spector '707 does not teach a planar fragrance member and a metering sheet but instead teaches a liquid fragrance in weak wall film material sandwiched behind a microporous sheet that wicks the liquid into the micropores and then gradually allows it to diffuse to the outer atmosphere and release the fragrance. The examiner agrees that this is the structure relied upon in the rejection but disagrees that is not read upon by the instant claim language of the independent claims. The weak wall film material filled with liquid fragrance is a planar fragrance member. The microporous sheet does meter the release of the fragrance to the outer atmosphere by controlling the release in a gradual manner by diffusion from the pores that are a form of holes and thus is read upon by the instant metering sheet. The rejection is thus maintained and has been extended to the newly presented generic claims.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

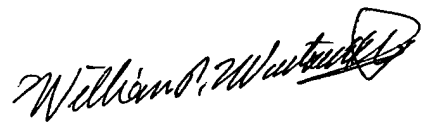
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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WILLIAM P. WATKINS III
PRIMARY EXAMINER

WW/ww

December 9, 2005